

REMARKS

1. The Office Action noted the withdrawal of Claims 4 – 6, 8 and 15 as being drawn to a non-elected invention. Applicants respectfully submit that in view of the amendments made to independent Claims 1 and 12 above, that these independent claims are still generic claims. Accordingly, Applicants respectfully submit that dependent Claims 4 – 6, 8 and 15 provide structural limitations directed to a species of the invention that should be passed to allowance with the generic independent Claims 1 and 12. Accordingly, Applicants respectfully request that these dependent claims be passed to allowance with the remaining claims in this application.

2. The Office Action has objected to the drawings as not including the reference numbers for members 20 and for member 22a. In response thereto, Applicants are submitting herewith a proposed drawing correction with the added reference numbers marked in red. More particularly, the reference number 20 with an arrow has been added to Figs. 4, 5, 6a, 6b and 10, and the rightmost reference number 22 in Fig. 10 has been changed to 22a. Furthermore, a substitute set of drawings, incorporating the above drawing corrections, is enclosed herewith accompanied by a Letter to the Official Draftsperson. Accordingly, Applicants respectfully request that this objection be reconsidered and withdrawn.

3. The Office Action has objected to the specification because of informalities specified on pages 6, 8 and 10. In response thereto, Applicants would direct the Examiner's attention to the amendments to the specification above to correct the specified informalities. More particularly, the numbers "7 9" were changed to "7 – 9" at Page 6, lines 17 and 20, and at Page 10, line 28; and the numbers "1 11" were changed to "1 – 11" at Page 8, line 7. Because of these amendments to the specification, Applicants respectfully request that this objection be reconsidered and withdrawn.

4. The Office Action has rejected Claims 9 – 11 under the provisions of 35 U.S.C. 112, second paragraph, as being indefinite. The Office Action states that the wording at Claim 9, lines 4 – 6, is awkward and confusing. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments to Claim 9 to improve the language thereof and specify that the two adjacent main panels are interconnected

by link members that permit relative movement therebetween with the link members being capable of movement through an arc of about 190 degrees. In view of this amendment, Applicants respectfully request that this rejection be reconsidered and withdrawn.

5. The Office Action has rejected Claims 1, 2 and 9 – 11 under the provisions of 35 U. S. C. 102(b) as being anticipated by U. S. Patent No. 6,234,733 (Parr). The Office Action states that Parr teaches a cargo securing apparatus for a vehicle including panels and link members. This rejection is respectfully traversed.

Applicants would direct the Examiner's attention to the amendments made to independent Claim 1 above to incorporate limitations not found in the Parr reference. More particularly, the link members have been defined as being vertically spaced and elongated, with each link member being pivotally movable through a range of motion defining an arc of at least 90 degrees. Applicants respectfully submit that the Parr reference cannot meet or make obvious a cargo containment apparatus that includes these specific limitations. The Parr reference does not teach or suggest the provision of elongated link members that are spaced vertically to connect main panels for pivotal movement.

Parr is directed to a cargo containment device that is formed of cardboard and uses Velcro to engage the carpet on the floor of the cargo area of the vehicle. The joined cardboard panels are not interconnected by elongated link members that are movable through a range of motion of at least ninety degrees. Accordingly, the Parr reference cannot meet or make obvious Applicants' invention as defined by amended independent Claim 1.

For these reasons, Applicants respectfully request that this rejection be reconsidered and withdrawn.

6. The Office Action has rejected Claims 1-3, 12 and 14 under the provisions of 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,865,580 (Lawrence). This rejection is respectfully traversed.

Applicants would direct the Examiner's attention to the amendments made to independent Claims 1 and 12 above to incorporate limitations not found in the Lawrence reference. As noted above, the link members have been defined as being vertically spaced and elongated, with each link member being pivotally movable through a range of motion defining

an arc of at least 90 degrees. Applicants respectfully submit that the Lawrence reference cannot meet or make obvious a cargo containment apparatus that includes these specific limitations.

Lawrence is directed to a linked chain-like divider apparatus that has perpendicularly extending feet for stability. Lawrence does not teach or suggest the provision of vertically spaced, elongated link members that are capable of pivotal movement through a range of motion of at least 90 degrees. Accordingly, Lawrence cannot meet or make obvious Applicants' invention as defined by amended independent Claims 1 or 12. The other rejected claims are dependent on these two independent claims and contain the limitations thereof. Applicants respectfully request that these claims be passed to allowance with the independent claims from which they respectively depend.

For the reasons given above, Applicants respectfully request that this rejection be reconsidered and withdrawn.

7. The Office Action has rejected Claims 1 – 3, 7 and 12 - 13 under the provisions of 35 U.S.C. 102(b) as being anticipated by the U. S. Patent No. 5,526,972 (Frazier). This rejection is respectfully traversed.

Applicants would direct the Examiner's attention to the amendments made to independent Claims 1 - 12 above to incorporate limitations not found in the Frazier reference. More particularly, the link members have been defined as being vertically spaced and elongated, with each link member being pivotally movable through a range of motion defining an arc of at least 90 degrees. Applicants respectfully submit that the Frazier reference cannot meet or make obvious a cargo containment apparatus that includes these specific limitations.

Frazier is directed to an organizer for deployment at the back of a pick-up truck and includes a pair of hinged members that are orientable at positions perpendicular to a base member. Frazier contains no teaching or suggestion for the provision of vertically spaced, elongated link members that interconnect panels for pivotally moving the panels relative to one another. Accordingly, Frazier cannot meet or make obvious Applicants' invention as defined in amended independent Claims 1 and 12.

In view of these amendments, Applicants respectfully request that this rejection be reconsidered and withdrawn.

8. The Office Action has rejected Claims 12 and 16 under the provisions of 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 1,595,929 (Rhodes). This rejection is respectfully traversed.

Applicants would direct the Examiner's attention to the amendments made to independent Claim 12 above to incorporate limitations not found in the Rhodes reference. More particularly, the sets of link members have been defined as being vertically spaced, elongated and parallel, with each link member being pivotally movable through a range of motion defining an arc of at least 90 degrees. Applicants respectfully submit that the Rhodes reference cannot meet or make obvious a cargo containment apparatus that includes these specific limitations.

More particularly, Rhodes is directed to a knockdown screen that has positionable panels pivotally interconnected by vertical supports. Rhodes does not contain any teaching or suggestion for link members as defined in amended independent Claim 12 to provide a cargo containment apparatus for use in an automotive vehicle. Accordingly, Rhodes cannot meet or make obvious Applicants' invention as defined by amended independent Claim 12.

For these reasons, Applicants respectfully request that this rejection be reconsidered and withdrawn.

9. The Office Action has objected to Claims 17 - 18 as being dependent on rejected independent claims. The Office Action indicates that these claims would be allowable if re-written into independent form containing all of the limitations of the intervening claims. In response thereto, Applicants would direct the Examiner's attention to the amendments to Claim 17 above to incorporate the limitations from Claims 12 and 16 to place Claim 17 into independent form. Claim 18 remains dependent upon Claim 17.

Applicants respectfully submit that the addition of this new independent claim does not require the payment of any additional filing fees, as Claim 17 becomes the third independent claim with the total number of claims in the application being less than 20.

In view of the amendments made to Claim 17, Applicants respectfully request that this objection be reconsidered and withdrawn and that these claims be passed to allowance with the remaining claims in this application.

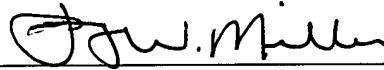
10. In summary, Claims 1, 2, 9, 12 and 17 have been amended, Claims 19 and 20 have been canceled, and Claims 1 – 18 remain in the application. Applicants believe that the claims are allowable based on the foregoing amendments. Applicants respectfully request that all objections and rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

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Larry W. Miller, Registration No. 29,417
Attorney for Applicant
Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609
Phone: 610-670-9000
Fax: 610-670-9901